**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

WRIT PETITION No. 734 of 1998

Between:

KISAN FEEDS, 251 Sreenagar Extension,
INDORE,Madhya Pradesh State,
rep.by it's Authorised Signatory RAMESH DARAK
S/o.Late Jagannadh Darak, R/o. 14-6-433,
Begum Bazar, Hyderbad. ..... PETITIONER

AND

1 The Union of India, rep. by its Secretary,
Ministry of Chemicals & Fertilizers,
(Department of Chemicals and Petro Chemicals), New Delhi.
2 State of Andhra Pradesh, rep.by its Secretary,
Revenue Excise Department, Secretariat Buildings, Hyderbad.
3 The Commissioner of Prohibition and Excise,
Govt., of Andhra Pradesh, Gaganvihar, M.J.Road,
Hyderabad.
4 The Sub-Divisional Prohibition & Excise Officer,
Nizamabad, Nizamabad District
5 The Nizamabad Co-operative Sugar Factory Ltd.,
Nizamabad , Sarangapur-503 186, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction , declaring; a) That G.O.Ms.No.982 Revenue (Ex.III), dt.6.10.1989 ) issued by the 2nd Respondent is ultravires his powers under the A.P. Excise Act in so far as it relates to Molasses in item 11 under the aforesaid G.O. B) That the Petitioner is entitled to purchase, lift any quality of

Molasses from any body in the State of Andhra Pradesh and transport the same to it's factory at Indore, Madhya Pradesh State. c) To grant a mandatory Injunction restraining the 2 and 3 Respondents, their man, agents, Servants, Subordinates in any department, throughout the State Andhra Pradesh from interfering with the petitioner purchasing, lifting of any quality of Molasses from any body in the State of Andhra Pradesh and transport the same to it's factory at Indore, Madhya Pradesh State.

Counsel for the Petitioner : Mr.A.PANDURANGA RAO

Counsel for Respondent No.1: Mr.M.RATNA REDDY, ADDL.SC. FOR C.G.

Counsel for Respondent Nos.2 to 4: GP FOR PROHIBITION & EXCISE

The Court made the following :

**ORDER:**

The present writ petition is filed questioning G.O.Ms.No.982 Revenue (Ex.III), dt.6.10.1989) issued by the 2nd Respondent as ultravires in so far as it relates to Molasses in item 11 and for a declaration that the Petitioner is entitled to purchase, lift any quality of Molasses from any body in the State of Andhra Pradesh and transport the same to it's factory at Indore, Madhya Pradesh State.

The learned Government Pleader appearing for respondents submits that the cause in this writ petition does not survive and it has become infructuous.

Recording the submissions made by the learned Government Pelader, this Writ Petition is dismissed as having become infructuous.

No order as to costs.

_____

N.V.RAMANA, J

To

1 The Secretary, Union of India, Ministry of Chemicals & Fertilizers, (Department of Chemicals and Petro Chemicals), New Delhi.
2 The Secretary, State of Andhra Pradesh, Revenue Excise Department, Secretariat Buildings, Hyderbad.
3 The Commissioner of Prohibition and Excise, Govt.of Andhra Pradesh, Gaganvihar, M.J.Road, Hyderabad.
4 The Sub-Divisional Prohibition & Excise Officer, Nizamabad, Nizamabad District
5 The Nizamabad Co-operative Sugar Factory Ltd., Nizamabad, Sarangapur-503 186, Nizamabad District.

6 Two CCs to G.P. for Prohibition & Excise, High Court Buildings, Hyderabad (OUT)

7 Two CD Copes